

The Honorable Ricardo Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE SELIN MEJIA-MARTINEZ,

Defendant.

NO. CR05-249RSM

ORDER GRANTING
SECOND STIPULATED MOTION TO
EXTEND INDICTMENT DEADLINE

THIS MATTER having come before the Court on the stipulated motion of the parties for an order extending the time within which an indictment shall be filed, and the Court having considered the stipulated motion of the parties, together with the balance of the records and files herein, the Court now finds and rules as follows:

The defense is requesting more time to allow the defendant time with which to consider the government's plea offer and recommendation. This is the second request for a continuance. The Court previously granted such a request, extending the deadline to August 22, 2005, to permit defendant additional time to consider the government's pending plea offer.

Subsequent to that Order, defendant discharged his original attorney, after a hearing held before this Court on August 16, 2005. Defendant's motion to terminate his prior counsel tolled the speedy indictment deadline to on or about August 28, 2005.

Defendant has now filed a second waiver of the deadline to issue an indictment, stating that he wishes additional time to confer with his new counsel, Robert Leen.

1 Therefore, it appearing to the Court that the failure to extend the date within which
2 an indictment must be filed would deny the defense reasonable time necessary for
3 effective plea negotiations, and failing that, for new counsel to become familiar with this
4 matter; and taking into account the exercise of due diligence, and it further appearing to
5 the Court that the ends of justice served by granting the requested continuance outweigh
6 the interest of the public and the defendant in a speedy trial,

7 IT IS HEREBY ORDERED that the stipulated motion, of the parties to extend
8 time within which an indictment shall be filed is GRANTED.

9 IT IS FURTHER ORDERED that the time within which an indictment shall be
10 filed is hereby extended from the current deadline of August 28, 2005, to September 21,
11 2005.

12 IT IS FURTHER ORDERED that the period of delay from August 22, 2005, to
13 September 21, 2005, is excludable time, pursuant to 18 U.S.C. § 3161(h)(8)(A), for the
14 purpose of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C.
15 §§ 3161-3174.

16 DATED this 30 day of August, 2005.

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19 RICARDO S. MARTINEZ
20 UNITED STATES DISTRICT JUDGE

21 Presented by:

22 s/ Vincent Lombardi
23 VINCENT T. LOMBARDI
Assistant United States Attorney

24 s/Robert S. Leen (via telephone authority, 8/24/05)
25 ROBERT S. LEEN
26 Attorney for Defendant Jose Mejia-Martinez
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